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09/240,695	02/02/1999	HISANORI NAKAJIMA	Q53164	7689

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/240,695
Filing Date: February 02, 1999
Appellant(s): NAKAJIMA ET AL.

Allison M. Tulino
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/24/2006 appealing from the Final Office Action

mailed September 29, 2005.

(1)   Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or having a bearing on the decision in the pending appeal is

contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5)   Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6)   Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection is correct.

(7)   Claims Appendix

The copy of the appeal claims contained in the Appendix to the brief is correct.

(8)   Evidence Relied Upon

The following is the evidence relied upon in the rejection of claims under appeal:

LHOTAK   US Patent No. 5,671,345   June 6, 1995

TOKIWA   JP 09-198217   July 31, 1997

(9)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lhotak** in

view of **Tokiwa** "Color Printer", Publication Date 07/1997, as cited in the Applicant's

IDS, filed 11/10/2004.

As to claim 1:

Lhotak teaches a method for previewing a print data, comprising the steps of:

- obtaining print data which can be printed by a printing device, and spooling the

  print data into a predetermined memory *(col.3, lines 36-48);*

- converting the spooled print data into a display data of a predetermined structure

  (e.g., intercepting low level intermediate object data in a first format from a

  graphics management tool's interpreter software code, reconstructing the

  intercepted data into a high level object-oriented; col. 2, lines 16-49 & col.3,

  lines 11-16), and displaying the display data on a displaying device *(e.g., outputs*

  low level data to the display device causing the device to display a page of data

  corresponding to page description code 4; col. 3, lines 25-31);

- editing the display data which is being displayed *(e.g., reconstruct it into a high-*

  level object oriented display list having a second format unique to a second

  graphics tool. This display list may then be used by the second graphics tool to

  perform other manipulations or processes to the page of objects prior to

  converting the display list data to a form usable to drive a device; col.2, lines 46-

  49), on the basis of an edit instruction data which is input at the display *(col.2,*

  lines 46-49/col.5, lines 2-25 & Fig.3, item 36).

Lhotak does not specifically teach:

- inversely converting the edited display data into a structure of the spooled print
  data; and

- wherein, the display data contains template data that is subjected to the editing,
  and at least a type and a position of the template are capable of being edited via
  the editing.

Tokiwa teaches:

- inversely converting the edited display data into a structure of the spooled print
  data *(e.g., the printed data ...after color correction output from the color
  correction part 22 is, in the data form, converted from the RGB color space to the
  original CMYK color space; page 6, 2ⁿᵈ para.)*; and

- wherein, the display data contains template data *(PDL interpreter 14)* that is
  subjected to the editing, and at least a type and a position of the template are
  capable of being edited via the editing *(the data form ... are converted from the
  PDL form; ¶0026)*.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak because

it would have provided the capability for processing the low level device dependent

information transmitted from the interpreter and reconstructs it into a high level object

oriented data representation using the information provided by the marking request.

As to claim 2:

Lhotak does not explicitly teach "*a process of correcting color components contained in the display data which is being displayed.*"

Tokiwa teaches a process of correcting color components contained in the display data which is being displayed *(e.g., Means for Solution; pages 1-2).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Tokiwa in the system of Lhotak because it would have provided capability for processing the low level device dependent information transmitted from the interpreter and reconstructs it into a high level object oriented data representation using the information provided by the marking request.

As to claim 3:

The rejection of independent claim 1 above is incorporated herein in full. Additionally, claim 3 recites "*wherein, when the print data consists of actual print information based on a print request and added-value information which is posteriorly added, the step of editing the display data uses only the added-value information which is being displayed, as an edition object.*"

Tokiwa teaches wherein, when the print data consists of actual print information based on a print request and added-value information which is posteriorly added, the step of

editing the display data uses only the added-value information which is being displayed,
as an edition object (¶ *0030).*

It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to include the feature from Tokiwa in the system of Lhotak because
it would have provided capability for processing the low level device dependent
information transmitted from the interpreter and reconstructs it into a high level object
oriented data representation using the information provided by the marking request.

As to claim 4:

Tokiwa teaches the added-value information is a template data which can be
overlapping printed onto plural allocated pages, the allocated pages being allocated to
one print sheet, and, when a position of the template data in one of the allocated pages
is changed, the position change is reflected on the other allocated pages (¶ *0041).*

It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to include the feature from Tokiwa in the system of Lhotak because
it would have provided capability for processing the low level device dependent
information transmitted from the interpreter and reconstructs it into a high level object
oriented data representation using the information provided by the marking request.

As to claim 5:

Tokiwa teaches movement of the position of the template data in one of the allocated

pages is interlocked with movement of the position of the template data in the other

allocated pages (¶ 0034).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak because

it would have provided capability for processing the low level device dependent

information transmitted from the interpreter and reconstructs it into a high level object

oriented data representation using the information provided by the marking request.

As to claim 6:

Tokiwa teaches the added-value information is a template data which can be

overlapping printed onto plural allocated pages, the allocated pages being allocated to

one print sheet, and the position of the template data in one of the allocated pages is

varied depending on whether the page is an odd page or an even page (¶ 0030).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak because

it would have provided capability for processing the low level device dependent

information transmitted from the interpreter and reconstructs it into a high level object

oriented data representation using the information provided by the marking request.

As to claim 7:

The rejection of independent claim 1 above is incorporated herein in full. Additionally,

claim 7 recites *"editing visually a print data based on a print request, wherein the editing*

means is performed immediately before printing."

Tokiwa teaches editing visually a print data based on a print request, wherein the editing

means is performed immediately before printing *(¶¶ 0024-0025)*.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak because

it would have provided capability for processing the low level device dependent

information transmitted from the interpreter and reconstructs it into a high level object

oriented data representation using the information provided by the marking request.

As to claim 8:

Tokiwa teaches object detecting means for detecting an object of a region which is

designated in the display data which is being displayed, and object editing means for

editing contents of the detected object on the basis of an instruction, and the data editing

means edits the display data in the unit of object *(¶¶ 0034 & 0038)*.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak because

it would have provided capability for processing the low level device dependent

information transmitted from the interpreter and reconstructs it into a high level object

oriented data representation using the information provided by the marking request.

As to claim 9:

Lhotak teaches the data editing means edits display data which are spooled and converted

in a predetermined time period *(col.5, lines 2-25 & Fig.3, items 36-37).*

As to claim 10:

It is a computer-readable medium for implementing the method of claim 1 above, and is

similarly rejected under the same rationale.

As to claim 11:

It is a computer-readable medium for implementing the method of claim 1 above, and is

similarly rejected under the same rationale. Additionally, claim 11 recites *"the data edit*

process is a process of detecting an object added to the print data and editing contents of

the object on the basis of an instruction."

Lhotak teaches the data edit process is a process of detecting an object added to the print

data and editing contents of the object on the basis of an instruction (¶ *0038).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Tokiwa in the system of Lhotak because

it would have provided capability for processing the low level device dependent

information transmitted from the interpreter and reconstructs it into a high level object

oriented data representation using the information provided by the marking request.

As to claims 12-16:

They include the same subject matter as in claims 2-6 above, and are similarly rejected

under the same rationale.

<u>As to claim 17:</u>

The rejection of independent claim 1 above is incorporated herein in full.

(10)   Response to Arguments

Beginning on page 12 of the brief, Appellant argues the following specific issues, which

are accordingly addressed below.

a.   **Appellant argues that Lhotak and Tokiwa does not teach "the display data**

contains template data that is subject to editing, and at least a type and

position of the template data are capable of being edited via editing" (page 12

of the Brief).

The examiner respectfully disagrees. Tokiwa is combined with Lhotak to teach

the display data contains template data *(e.g., PDL interpreter 14)* that is subject to

editing, and at least a type and position of the template data are capable of being

edited via editing *(e.g., the printed data are at first sent to the interpreter 14, and*

the data form thereof are converted from the PDL form into a data form

particular to the present device. The device color space conversion part 16

performs the conversion of a CMYK color space of the edition device into a

CMYK color space of said color printer 10 with respect to the printed data) [see

Tokiwa, ¶0026].

b.   **Appellant argues that Tokiwa does not teach "detecting an object added to**

       the print data" (page 15 of the Brief).

The examiner respectfully disagrees. Tokiwa's teaching " *when S108 detects that*

the content of color correction is input, S109 changes the color as designated for

the printed data of the object of color correction... the color correcting functions

for converting from RGB to R'G'B', and a basis model shown in (A) which does

not carry out the substantial color correction is changed y interlocking the user's

input" [see Tokiwa, ¶0038] meets *"detecting an object added to the print data"*

as claimed by Appellant.

(11)   Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
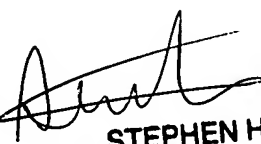
Respectfully submitted,

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